

FILED

AUG 30 2021

Pro Se 14 (INND Rev. 2/20)

At _____ M
GARY T. BELL, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA[This form is for prisoners to sue for civil rights violations. NEATLY print in ink (or type) your answers.]Gary Allan Lindsay
[You are the PLAINTIFF, print your full name on this line.]

v.

Randy Rodriguez
[The DEFENDANT is who you are suing. Put ONE name on this line. List ALL defendants below, including this one.]Case Number 3:21-CV-00396-50-MGG
[For a new case in this court, leave blank.
The court will assign a case number.][The top of this page is the caption. Everything you file in this case must have the same caption.
Once you know your case number, it is VERY IMPORTANT that you include it on everything you send to the court for this case. DO NOT send more than one copy of anything to the court.]PRISONER COMPLAINT

| # | Defendant's Name and Job Title | Work Address |
|---|---|---|
| 1 | [Put the defendant named in the caption in this box.] <u>Randy Rodriguez</u> | <u>Roseland PID</u> <u>200 Independence Dr</u> <u>South Bend IN 46637</u> |
| 2 | [Put the names of any other defendants in these boxes.] <u>Beck, Terry</u> | <u>Roseland PID</u> <u>200 Independence Dr. 46637</u> <u>South Bend Indiana</u> |
| 3 | | |

[If you are suing more defendants, attach an additional page. Number each defendant. Put the name, job title, and work address of each defendant in a separate box as shown here.]

1. How many defendants are you suing? 2
2. What is the name and address of your prison or jail? Indiana State Prison
1 park Row Michigan City, IN 46360
3. Did the event you are suing about happen there? ☐ Yes. ☒ No, it happened at: 54191
Ironwood Road South Bend IN 46637
4. On what date did this event occur? 02/21/2019

[DO NOT write in the margins or on the back of any pages. Attach additional pages if necessary.]

CLAIMS and FACTS

DO: Write a short and plain statement telling what each defendant did wrong.

DO: Use simple English words and sentences.

DO NOT: Quote from cases or statutes, use legal terms, or make legal arguments.

DO: Explain when, where, why, and how each defendant violated your rights.

DO: Include every fact necessary to explain your case and describe your injuries or damages.

DO: Number any documents you attach and refer to them by number in your complaint.

DO NOT: Include social security numbers, dates of birth, or the names of minors.

DO: Use each defendant's name every time you refer to that defendant.

DO: Number your paragraphs. [The first paragraph has been numbered for you.]

1. I Gary Allan Lindsley " on 02/21/2019 I was pulled over by Cpl. Beck Terry and Cpl Randy Rodriguez from The Portland police Dept. in South Bend Indiana. (2) I Gary Allan Lindsley was in the middle of doing a (PBT) Breath test when Cpl Beck Terry snatches the Breath test away from Lindsley's mouth "Before" it Even Beep. (3) Then Cpl Beck Terry states your under arrest.. I Lindsley turn and look at Cpl Beck Terry and say "What am I Being Arrested for?" I Lindsley then see Cpl Rodriguez the other officer running full tilt at me (4) I Lindsley am scared, so I turn and goin away to get out of Cpl Rodriguez's way. This is all on camera as well (5) I Lindsley then fall in middle of splashing to the ground, saying I dont want no smoke. This is all on camera (6) The two officers Cpl Beck Terry and Cpl Randy Rodriguez are seen on camera cutting my hands for Hand cuffs on camera (7) Then walking me off camera. Then the two officers violated my Rights at Little Flower Church: Time 3:30 (8) By then taking me off camera after being Hand cuffed and using EXCESSIVE force (9) By taking it off

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Claims and Facts (continued)

Canra and Beating me After Being Hand Cuffed.
 ⑨ Our officers Held me down After tripping me with
 leg sweep. ⑩ I don't know with officer Held me
 down or will our was throwing punches. ⑪
 But Both Cpl Rodriguez and Cpl Terry Both Asailed
 me with body injury while using Excessive Force. While
 I was Hand Cuffed and off Canra. The Cpl I was
 Troughen out of Court Because I HAVE A WITNESS
 who seen them Beat me while in Hand Cuffs And
 off Canra. I AM ALSO ASKING THE COURT TO GIVE
 ME MORE TIME SO I CAN FIX MY PAPER WORK. ⑫
 Because I ALSO NEED TO sue For Being Falsely
 Charged And Placed in prison with out knowing
 why I Am Here. Under my 5th Amendment
 Right. Because if The Case I WAS Arrested On
 And put in prison For ⑬ Then The Case
 WAS Troughen out of Court, why Am I still
 sitting in prison? ⑭ I Havent seen Anyone
 TO Tell me why I Am in prison OR How long
 I got to do or Even what I Am in prison
 For. Because The Cases I WAS put in prison
 For HAVE BEEN dismissed, SO I HAVE BEEN
 wrongly Charged ⑮ Then I get sent to prison.
 Then The Cases I Am in prison For get dropped.
 ⑯ But I Am still stuck in prison. I want
 to sue For every day I Am Here without knowing
 why. OR How long I Even HAVE to stay Here
 And For what? ⑰ Then I Am ASKING THE Court

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5. When did this event happen?

- ☒ Before I was confined.
☐ While I was confined awaiting trial.
☐ After I was convicted while confined serving the sentence.
☐ Other: _____

6. Have you ever sued anyone for this exact same event?

- ☒ No.
☐ Yes, attached is a copy of the final judgment OR an additional sheet listing the court, case number, file date, judgment date, and result of the previous case(s).

7. Could you have used a prison grievance system to complain about this event?

- ☒ No, this event is not grievable at this prison or jail.
☐ Yes, I filed a grievance and attached is a copy of the response from the final step.
☐ Yes, this event was grievable, but I did not file a grievance because _____

pay for me missing work for the time I was
gone in prison. pay for everyday I had to
sit in prison b/c of a case that was dismissed

8. If you win this case, what do you want the court to order the defendant(s) to do?

[NOTE: A case filed on this form will not overturn your conviction or change your release date.]

pay for me missing work for the time I was in
prison. pay for everyday I had to sit in
prison b/c of a case that was dismissed.
And my mental well being b/c this is
taking a lot out of me b/c I don't know why
I am still locked up

[Initial Each Statement]

- ☒ I will pre-pay the filing fee OR file a prisoner motion to proceed in forma pauperis.
☒ I will keep a copy of this complaint for my records.
☒ I will promptly notify the court of any change of address.
☒ I WILL NOT send more than one copy of any filing to the court.
☒ I WILL NOT send summons, USM-285, or waiver forms to the clerk.
☒ I declare under penalty of perjury that the statements in this complaint are true.

I placed this complaint in the prison mail system on 8/27/2021 at 8:00 ☒ am ☐ pm.
 [Do not fill in this date and time until you give the complaint to prison officials to send to the court.]

Signature

112457
 Prisoner Number

[DO NOT write in the margins or on the back of any pages. Attach additional pages if necessary.]